

Bill read third time.

Senator Duncan offered the following amendment: Strike out "as true," after "communicated to him."

Senator Homan moved the previous question on amendment on passage of the bill. Motion seconded and main question ordered.

Senator Duncan's amendment was lost by the following vote:

YEAS—12.

Buchanan of Grimes,	Duncan,	Martin of Navarro,
Buchanan of Wood,	Gooch,	Patton,
Cooper,	Harris,	Stubbs,
Davenport,	Lane,	Weatherred.

NAYS—14.

Burges,	Lair,	Ross,
Henderson,	Lightfoot,	Shannon,
Hightower,	Martin of Cooke,	Terrell,
Homan,	Moore,	Tilson.
Houston,	Powers,	

NOT VOTING—2.

Burton, Wynne.

Bill passed by the following vote:

YEAS—20.

Buchanan of Grimes	Houston,	Powers,
Buchanan of Wood,	Lair,	Ross,
Burges,	Lane,	Shannon,
Gooch,	Lightfoot,	Stubbs,
Henderson,	Martin of Cooke,	Terrell,
Hightower,	Martin of Navarro,	Tilson,
Homan,	Moore,	

NAYS—6.

Cooper,	Duncan,	Patton,
Davenport,	Harris,	Weatherred,

NOT VOTING—2.

Burton, Wynne.

On motion of Senator Burges, Senator Swain was excused for the evening.

Senator Martin of Cooke moved to adjourn till to-morrow morning at 9:30 A. M. Lost.

Senator Hightower, next on roll, called up House bill No. 4, "An act to amend articles 364 and 365 of 'an act to establish a Penal Code and Code of Criminal Procedure,' presented to the Governor for his approval on February 27, 1879." Bill read second time.

Senator Duncan moved to adjourn until 9:30 A. M. to-morrow. Lost.

Senator Buchanan of Wood offered the following amendment: Amend by adding to article 364 the following:

*And provided further, that if any peace or civil officer shall play at any of the games named in this or the six preceding articles, he shall be fined not less than one hundred nor more than one thousand dollars, and be subject to removal from office as provided by law.*

Adopted.

Senator Duncan offered to amend as follows: Strike out "dominoes." Withdrawn.

Senator Burges offered the following amendment: Amend by striking out the words "crack-loo" and "crack-or-loo" whenever these words occur in the bill.

Senator Gooch moved the previous question on the bill. Motion seconded and main question ordered.

Senator Patton moved a call of the Senate.

Senator Gooch made the point of order that the call of the Senate was out of order, as the main question had been ordered by the Senate when the call was moved. Point of order sustained.

The amendment of Senator Burges was then lost, and the bill passed to a third reading by the following vote:

YEAS—22.

Buchanan of Grimes	Duncan,	Henderson,
Buchanan of Wood,	Gooch,	Hightower,
Davenport,	Harris,	Homan,

Lair,  
Lane,  
Lightfoot,  
Martin of Navarro,  
Moore,

Powers,  
Ross,  
Shannon,  
Stubbs,  
Terrell,

Tilson,  
Weatherred,  
Wynne.

NAYS—4.

Burges,  
Cooper,

Houston,

Patton.

NOT VOTING—2.

Burton,

Martin of Cooke.

On motion of Senator Buchanan of Wood, the Senate adjourned until 9:30 to-morrow morning.

#### FORTIETH DAY.

SENATE CHAMBER, }  
AUSTIN, February 26, 1881. }

Senate met pursuant to adjournment; President in the chair.

Roll called; quorum present.

Prayer by Rev. Dr. R. F. Bunting.

On motion of Senator Homan, the reading of the journals of yesterday was dispensed with, and the same adopted.

On motion of Senator Buchanan of Grimes, Engrossing Clerk A. M. Belvin was excused for to-day on account of sickness.

On motion of Senator Henderson, Senator Patton was excused for the day on account of sickness.

Senator Powers offered a petition from the citizens of Dimmit county, praying that a law be passed to allow sheriffs to call on the Texas volunteer guards in case of emergency to assist in the execution of criminal process. Referred to Committee on Frontier Protection.

Also, a petition from the citizens of Atascosa county, asking that laws be passed to allow sheriffs to call on the Texas volunteer guards in case of emergency to assist in the execution of criminal process. Referred to Committee on Frontier Protection.

Senator Cooper presented a petition from the citizens of Polk county, asking the submission to the people a constitutional amendment prohibiting the manufacture, sale or importation of intoxicating liquors in this State. Referred to Committee on Constitutional Amendments.

Also, a petition from lumber manufacturers of Beaumont, Texas, asking legislation to better protect the logging and rafting interest. Referred to Committee on Internal Improvements.

Senator Lair presented a petition with 220 signers, praying the passage of a constitutional amendment prohibiting the importation, manufacture or sale of ardent spirits in the State of Texas. Referred to Committee on Constitutional Amendments.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 176, entitled "An act to authorize the counties of this State to take up their outstanding warrants or evidences of debt, executed for debts incurred in erecting public buildings, and to execute others in lieu thereof, and to provide by special tax for the payment of the principal and interest of the same," have had the same under consideration, and instruct me to report it back with amendments, and to recommend that, as amended, it do pass.

TERRELL, Chairman.

#### COMMITTEE AMENDMENTS.

Amend by striking out, in lines 4 and 5 of section 1, the words "or that may hereafter issue warrants."

Also, amend by adding on to the end of section 1, after the word "pay," in line 23, the words "not to exceed eight per cent per annum."

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 185, entitled "An act to amend article 2671, chapter 16, title 47 of the Revised Civil Statutes of the State of Texas, adopted February 21, 1879, by adding thereto an additional article, to be known as article 2671a," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass, for the reason that the matter contemplated in the bill is already provided for by article 2515 of the Revised Civil Statutes.

TERRELL, Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 194, entitled "An act to prohibit smoking and the use of fire, except for necessary purposes, on cars, vessels and in other places where cotton is loaded or stored," have had the same under consideration, and instruct me to report it back to the Senate with the accompanying substitute, and to recommend that the substitute do pass.

TERRELL, Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 204, entitled "An act to amend articles 1190 and 1191 of the Revised Civil Statutes of the State of Texas, relating to pleadings in suits in which corporations, public and private, are involved," have had the same under consideration, and have instructed me to report it back to the Senate with the recommendation that it do pass.

The object proposed by the bill is to extend the present law in reference to pleading the charter or act of incorporation of any corporation, public or private, so as to make it applicable to such corporations organized under the laws of the United States, or of any of the territories of the United States, as to those organized under the laws of this State.

TERRELL, Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 189, entitled "An act to amend chapter 5, title 23, of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Sixteenth Legislature, by adding article 694a," have had the same under consideration, and instruct me to report it back to the Senate with the accompanying substitute, and to recommend that the substitute do pass.

The object of the bill and substitute is to provide that in counties yet to be organized, it shall require a two thirds vote to locate the county seat at any point more than five miles from the geographical centre of the county.

TERRELL, Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 186, entitled "An act to amend article 1420, chapter 20, title 29, of the Revised Civil Statutes of the State of Texas, relating to official fees," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that in certain cases where process issues to a county other than that wherein the suit is pending, the legal fees for serving such process shall accompany it.

TERRELL, Chairman.

## Bill read first time.

A message was received from the House informing the Senate of the passage of House bill No. 482, "An act to amend articles 4662 and 4664, of chapter 1, title 95, of the Revised Statutes, adopted February 28, 1879."

Senator Gooch, for Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 150, entitled "An act to amend chapter 1 of the Code of Criminal Procedure, adopted by the Sixteenth Legislature, by adding thereto another article to be styled article 201a," have had the same under consideration, and I am instructed by the committee to report it back to the Senate with the recommendation that it do pass.

GOOCH, Acting Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 192, a bill to be entitled "An act to repeal section 3 of an act entitled 'an act for the better protection of timber and lumber,' approved April 7, A. D. 1879," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GOOCH, Acting Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 197, to be entitled "An act to amend article 358 of chapter 3 of the Penal Code of the State of Texas," have had the same under consideration, and I am instructed by the committee to report it back to the Senate with the recommendation that it do pass.

GOOCH, Acting Chairman.

## Bill read first time.

Senator Homan, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate bill No. 178, to be entitled "An act to prohibit the importation into this State, and the selling, exchanging or giving away, or the exhibiting or offering for sale within this State, of certain deadly weapons," have duly considered the same, and a majority of the committee instruct me to report recommending its passage. The indiscriminate sale, and exhibition for sale, of deadly weapons, the carrying of which is forbidden by law, is demoralizing the youth of the State and conducive to infractions of the law. It is believed to be the better policy to discourage, in every legitimate way, the habitual carrying of concealed deadly weapons, and, in the opinion of the committee, this end will, in a great measure, be accomplished by the bill under consideration, which would prohibit the importation and sale of all deadly weapons, except guns and army or navy size pistols.

HOMAN, for committee.

## Bill read first time.

Senator Houston, for Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 184, entitled "An act to amend title 15, chapter 4, article 1070 of the Code of Criminal Procedure," have considered the same, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOUSTON, for Committee.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 170, entitled "An act to amend article 1008, of chapter 4, title 15, of the Code of Criminal Procedure," have considered the same, and I am instructed to report it back to the Senate, and to recommend its passage.

The change sought to be made by this act is to allow the prosecuting officers in misdemeanors the same fees when a plea of guilty is entered as when conviction is had on trial and plea of not guilty.

HOUSTON, for Committee.

## Bill read first time.

Senator Tilson, for Committee on Private Land Claims, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 180, to be entitled "An act for the relief of the heirs of Lieut. Samuel Wilson, deceased, who fell at Fannin's massacre, in 1836," have had the same under consideration, and I am instructed by said committee to report said bill back to the Senate with the recommendation that it do pass.

TILSON, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 138, for the relief of Thomas B. Hearne, beg leave to report that they have carefully considered said bill, and have heard testimony in support thereof, and they find, first, that said Thomas B. Hearne has caused notice of the presentation of said bill to be published as required by law; that he is a resident citizen of Lamar county, Texas, and has been for more than one year before said publication, all of which will fully appear by affidavit hereto attached and made a part hereof, marked "exhibit A." Second, that said Thomas B. Hearne is one of the surviving veterans of the war which separated Texas from Mexico, and that he entered the service of the Republic of Texas on the first day of June, 1836, and was honorably discharged therefrom on the tenth day of July, 1837, having continued in such service for more than one year, and as such surviving veteran, he was and is entitled under the laws of the Republic of Texas to a bounty land warrant for 1280 acres of land, and his name is regularly entered upon the pension rolls; all of which will appear from the certificate of the Comptroller of the State of Texas hereto attached and made a part hereof, marked "exhibit B." Third, that said Thomas B. Hearne has never received from the Republic or State of Texas the bounty land certificates, to which he is justly entitled as such veteran; all of which will appear from the certificates of the Commissioner of the General Land Office, hereto attached and made a part hereof, marked "exhibit C." Fourth, that said Thomas B. Hearne making this application is the identical person so entitled to said 1280 acre bounty land certificate; that he now resides in Paris, Texas, and is physically disabled and in great need of the relief to which he is justly entitled; wherefore, your committee report said bill favorably, and earnestly recommend that it do pass.

TILSON, Chairman.

Bill read first time.

Senator Burges, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 182, entitled "An act to amend article 669, chapter 22, title 17 of the Penal Code of the State of Texas," have duly considered same, and because the present law does not sufficiently protect the class of property, viz: wood lands and prairies named in the bill, the amendment is needed, and I am therefore instructed to report said bill back, with the recommendation that it do pass.

BURGES, for Committee.

Bill read first time

Senator Powers introduced a bill entitled "An act to establish the boundaries of the counties of Uvalde, Zavalla, Dimmit and Kinney." Referred to Committee on Counties and County Boundaries.

Senator Stubbs introduced a bill entitled "An act to protect the rights of minority stockholders of incorporated companies." Referred to Judiciary Committee No. 1.

On motion of Senator Homan, Senator Burton was indefinitely excused on account of sickness of his family.

Senator Shannon introduced a bill entitled "An act to provide for the appointment of a board of commissioners of railroads and telegraphs, to prescribe their powers and duties, and to fix their salaries, and the manner of paying the same, etc." Referred to Committee on Internal Improvements.

The first special order being Senate bill No. 102, entitled "An act making an appropriation for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883," was taken up, the pending

sig. 18

question being the amendment of Senator Houston to the Attorney-General's department, as follows: "Page 11, line 4, strike out \$1500, \$1500, and insert \$1800, \$1800." The amendment was adopted.

Senator Lane offered the following amendment: Amend by adding "for porter, \$300, \$300." Adopted.

The clause relating to the judiciary department, being read, Senator Duncan offered the following amendment: In line 10, strike out "\$210,000, \$210,000," and insert "\$225,000, \$225,000." Withdrawn.

The clause under head of "Department of Insurance, Statistics and History—Public Grounds and Buildings," being read, and no amendment being offered thereto, the clause under head of "Department of Insurance" was read.

Senator Martin of Navarro, offered the following amendment: Strike out on page 15, line 2, "\$5000, \$5000," and insert "\$10,000, \$10,000."

Senator Homan offered the following as a substitute for Senator Martin's amendment: Strike out lines 15 and 16, page 14, and lines 1 and 2, page 15.

The President, after publicly reading their captions, signed the following bills, viz:

Senate bill No. 32, entitled "An act regulating the removal of the disabilities of minors;" Senate bill No. 139, entitled "An act to amend an act entitled 'an act to change and define the times of holding the terms of the district courts in the Fifth Judicial District of the State of Texas,' approved April 23, 1879," and Senate bill No. 202, "An act to provide for the payment of the interest due on the public debt March 1, 1881."

After discussion, Senator Duncan moved the previous question on the substitute of Senator Homan and the amendment of Senator Martin. Motion seconded, and the main question ordered.

Senator Homan's substitute was lost, and the amendment of Senator Martin was adopted by the following vote:

YEAS—13.

Buchanan of Grimes	Lightfoot,	Stubbs,
Burges,	Martin of Navarro,	Swain,
Gooch,	Powers,	Terrell,
Houston,	Ross,	Tilson.
Lane,		

NAYS—12.

Buchanan of Wood,	Harris,	Lair,
Cooper,	Henderson,	Shannon,
Duncan,	Hightower,	Weathered,
Davenport,	Homan,	Wynne.

NOT VOTING.

Martin of Cooke.

Senator Lightfoot offered the following amendment: Amend by adding after line 2, on page 15, the following: "For the purpose of exhibiting the statistics, products and resources of Texas, at the World's Fair, in New York, in 1883, to be expended by the Commissioners for Texas, and under the auspices of this Department, \$15,000." Adopted by the following vote:

YEAS—19.

Buchanan of Grimes	Houston,	Stubbs,
Buchanan of Wood,	Lane,	Swain,
Cooper,	Lightfoot,	Terrell,
Duncan,	Martin of Navarro,	Tilson,
Gooch,	Powers,	Weathered,
Henderson,	Shannon,	Wynne.
Homan,		

NAYS—5.

Davenport,	Hightower,	Ross,
Harris,	Lair,	

NOT VOTING.

Martin of Cooke.



Senator Buchanan of Grimes offered the following amendment: Strike out on page 15, in lines 1 and 2, the words "in the interest of immigration." Adopted.

Senator Duncan offered the following amendment: Strike out lines 3, 4, and 5 in appropriation bill for Department of Insurance, Statistics and History.

Senator Duncan asked a division of question.

Amendment to lines 3 and 4 lost by the following vote:

YEAS—2.		
Duncan,	Hightower.	
NAYS—23.		
Buchanan of Grimes,	Homan,	Shannon,
Buchanan of Wood,	Houston,	Stubbs,
Burges,	Lair,	Swain,
Cooper,	Lane,	Terrell,
Davenport,	Lightfoot,	Tilson,
Gooch,	Martin of Navarro,	Wentherred,
Harris,	Powers,	Wynne.
Henderson,	Ross,	

NOT VOTING.

Martin of Cooke.

Second division, to strike out line 5, lost by the following vote:

YEAS—4.		
Cooper,	Hightower,	Tilson.
Duncan,		
NAYS—20.		
Buchanan of Grimes,	Homan,	Ross,
Buchanan of Wood,	Houston,	Shannon,
Burges,	Lair,	Stubbs,
Davenport,	Lane,	Swain,
Gooch,	Lightfoot,	Weatherred.
Harris,	Martin of Navarro,	Wynne.
Henderson,	Powers,	

NOT VOTING—2.

Martin of Cooke, Terrell.

Senator Lane offered the following amendment: Amend line 6, on page 14, by adding "and for Adjutant General's office." Adopted.

Senator Buchanan of Wood moved to postpone the clause on educational department until Monday next. Carried.

Senator Lane offered the following amendment: On line 6, page 16, amend by striking out "\$20,000, 320,000," and inserting "\$300,000, 300,000." Adopted.

Pending amendment of Senator Martin of Cooke on Deaf and Dumb Asylum appropriations, offered on the twenty-first inst., was taken up, and amendment lost.

Senator Homan offered the following amendment to appropriation of Deaf and Dumb Asylum: Strike out line 14, page 10." Adopted.

Senator Henderson offered the following amendment to appropriation to Deaf and Dumb Asylum: Amend by striking out in line 16 "supplies and miscellaneous purposes \$16,000, \$16,000," and insert instead "supplies, groceries and provisions, \$14,000, \$14,000."

Senator Buchanan of Grimes offered the following substitute to pending amendment: In line 16, page 10, strike "\$16,000, \$16,000," and insert in lieu thereof "\$12,000, \$12,000." Withdrawn.

Senator Homan offered the following substitute for the pending amendment: "For groceries, provisions, supplies and miscellaneous purposes \$14,000, \$14,000."

Senator Duncan offered the following substitute for Senator Homan's substitute: Amend appropriations for Deaf and Dumb Asylum by striking out, in line 16, "supplies and miscellaneous purposes, \$16,000, 16,000," and insert instead thereof "supplies, groceries and provisions, \$14,000, 14,000." Lost, and Senator Homan's substitute adopted as an amendment to the bill.

Senator Lightfoot offered the following amendment to the appropriation bill for the Treasury Department: Amend

line 2, page 4, by striking out "\$1,500, 1,500," and inserting "1,800, 1,800." Adopted.

Senator Henderson offered the following amendment: Amend appropriation for Blind Asylum, page 8, line 8, by striking out "miscellaneous, \$12,500, 12,500," and insert instead "necessary supplies, \$14,000, 14,000."

Senator Homan offered the following as a substitute for Senator Henderson's amendment: Strike out line 8, page 8, Blind Asylum, and insert "For groceries, provisions, supplies and miscellaneous purposes, \$14,000, 14,000." Adopted, and the amendment, as substituted, adopted.

Senator Lane offered the following amendments: Amend line 2 by striking out "\$3,790, 3,790," and inserting "\$5,000, 5,000." Adopted.

Amend by adding "For assistant matron and nurse, \$300, 300." Adopted.

And "For book-keeper and steward, \$500, 500." Adopted.

And "For new furniture and bedding, \$2,000." Adopted.

Senator Homan offered the following amendment: On page 7, General Land Office, line 2, strike out "\$2,000, 2,000," and insert "\$1,800, 1,800." Withdrawn, and the Senator offered the following: On page 4, Treasury Department, line 2, strike out "\$1,800, 1,800," and insert "\$2,000, 2,000;" and on page 5, line 2, Comptroller's Department, strike out "\$1,800, 1,800," and insert "\$2,000, 2,000." Adopted.

Senator Martin of Navarro offered the following amendment: Strike out, on page 5, line 3, Comptroller's Department, "\$1,500, 1,500," and insert "\$1,750, 1,750;" and in line 7, same page, strike out "\$1,500, 1,500," and insert "\$1,750, 1,750;" and in line 10, same page, strike out "\$1,500, 1,500," and insert "\$1,750, 1,750." Adopted.

Senator Tilson offered the following amendment: Amend, on page 13, line 23, Judiciary Department, by striking out "\$600, 600," and inserting "\$200, 200." Adopted.

Senator Cooper, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled Senate bill No. 139, "An act to amend an act entitled 'an act change and define the times of holding the terms of the District Court in the Fifth Judicial District of the State of Texas,' passed by the Sixteenth Legislature, and approved April 23, 1879," and at 10:40 o'clock A. M. on this day, presented the same to the Governor for his signature.

COOPER, Chairman.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,  
AUSTIN, February 26, 1881.

To the Honorable Senate of the State of Texas:

Gentlemen—I respectfully ask your advice and consent to the following appointments:

Thomas J. Goree, of Walker county, to be Superintendent of the Penitentiary, and D. M. Short, of Shelby county, to be Assistant Superintendent of the Penitentiary.

Very respectfully,

(Signed) O. M. ROBERTS, Governor.

Senator Davenport, by leave, introduced a bill entitled "An act to legalize the sale of real estate which belonged to Coleman county in and near the town of Coleman, in Coleman county, Texas." Read by caption, and referred to Judiciary Committee No. 1.

Senator Homan, by leave, introduced a bill entitled "An act to amend articles 319 and 321 of the Penal Code of Texas, so as to restrict the cases in which certain deadly weapons are permitted to be carried, to the ordinary army or navy size revolver, carried outside of all clothing and fully exposed to view." Read by caption and referred to Judiciary Committee No. 2.

Senator Terrell, chairman of Judiciary Committee No. 1, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 215, entitled "An act to legalize the sale of real estate which belonged to Coleman county, situated in and near the town of Coleman, Coleman county, Texas," have had the same under consideration, and instruct me to report it back to the Senate, with the recommendation that it do pass.

The bill is framed in accordance with the accompanying petition of citizens of Coleman county, also referred to your committee. It appears from the petition that the sales which the bill seeks to validate were made for a fair and valuable consideration, and have been approved by the Commissioners' Court of Coleman county. As said sales were defective in law only as to the form in which they were made, and as it appears that due notice has been given of intention to apply for the passage of this act, your committee have deemed it proper and expedient to recommend the relief asked by the petitioners and provided in this bill.

TERRELL, Chairman.

Bill read first time.

Senator Swain, chairman of the Committee on Penitentiaries, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 198, "An act to authorize the Governor, State Treasurer and Superintendent of the Penitentiary to contract for conveying convicts from where sentenced to the penitentiary," have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its passage.

SWAIN, Chairman.

Bill read first time.

Senator Gooch moved that the Senate go into executive session to consider the appointments just sent into the Senate by his Excellency the Governor, on Monday morning just after the morning call. Adopted.

Senator Gooch moved to adjourn until 3 o'clock P. M.

Senator Duncan moved to adjourn until 9 o'clock A. M. Monday, so as to enable committees to consider and report on many bills now before them. Adopted, and the Senate so adjourned.

#### FORTY-FIRST DAY.

SENATE CHAMBER, }  
AUSTIN, February 28, 1881. }

Senate met pursuant to adjournment; President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Lane, the reading of the journals was dispensed with, and the same adopted.

Senator Buchanan of Grimes, presented a petition, signed by officers and members of the Navasota Guards, asking the Legislature to make an appropriation for the purpose of increasing the efficiency of that organization, etc. Referred to Committee on Military Affairs.

Senator Powers presented a petition of citizens of Fayette and other counties, asking for the creation of two new counties, to be named Thomas and Lester, respectively. Referred to Committee on Counties and County Boundaries.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 7, entitled "An act to provide for the sale of the alternate sections of land in this State, surveyed by railroad companies and other works of internal improvement, and set apart for the common school fund, and of the University and

school lands, and to provide for the investments of the proceeds;" and Senate bill No. 157, "An act for leasing the public free school lands of the State of Texas, and prescribing regulations therefor, and providing penalties against all persons herding cattle, sheep or horses on said lands," and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

Senator Weatherred, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 114, entitled "An act to establish the Thirty-sixth Judicial District of the State of Texas, and to provide for the appointment of district judge and district attorney therein;" and, also, Senate bill No. 187, entitled "An act to reorganize the Twenty-second Judicial District, and to prescribe the time of holding courts therein," have considered the same, and a majority of the committee instruct me to report the same back to the Senate with the accompanying substitute, and to recommend that the substitute do pass.

WEATHERRED, Chairman.

Bill read first time with substitute.

Senator Lane introduced a bill entitled "An act for the relief of W. S. Booth, S. F. Grimes and Maria Leftridge." Referred to Judiciary Committee No. 1.

Senator Shamon, by request, introduced a bill entitled "An act to amend articles 3824 and 3825, title 79, of the Revised Civil Statutes of the State of Texas, and to add thereto articles 3825a and 3825b, and to create the Clay, Baylor, Wheeler and Oldham county land districts." Referred to Committee on Public Lands.

On motion of Senator Shamon, the Senate went into executive session.

#### IN SENATE.

On motion of Senator Houston, the Secretary was instructed to spread upon the journal the results of the executive session, which are as follows: That the Senate does advise and consent to the appointment of T. J. Goree, of Walker county, to be Superintendent of Penitentiary, and D. M. Short, Assistant Superintendent of the Penitentiary.

Senator Lightfoot, by leave, presented a petition signed by 128 citizens of Fannin county, asking for a constitutional amendment to prohibit the importation, manufacture and sale of intoxicating liquors in this State, under penalty of \$1000 fine and one year's imprisonment. Referred to Committee on Constitutional Amendments.

Senator Burges, for Committee on Counties and County Boundaries, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 27, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 207, entitled "An act to create the counties of Lester, Thomas and Sutton," have had the same under consideration, and instruct me to report it back, with the recommendation that it do pass.

BURGES, for Committee.

Bill read first time.

Senate bill No. 102, "An act making an appropriation for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883," being special order for the morning, was taken up.

Senator Lane offered the following amendment: Amend Comptroller's department as follows: On page 5, line 5, strike out "1000, 1000" and insert "1200, 1200." In line 8 strike out "1000, 1000" and insert "1200, 1200." In line 11 strike out "\$1000, \$1000" and insert "\$1200, 1200." Amend Land Office department by adding "one abstract clerk 1350, 1350." Adopted.

Senator Lane also moved to amend the Lunatic Asylum department as follows:

For additional buildings for accommodations of indigents

only .....\$135,000